



**CITY OF COLLEGE PARK ADVISORY PLANNING COMMISSION**  
**4500 KNOX ROAD COLLEGE PARK, MARYLAND 20740**  
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**ADVISORY PLANNING COMMISSION**

***Minutes of Meeting***

***September 20, 2012 – 7:30 P.M.***

***City Hall Council Chambers***

<b><u>Members</u></b>	<b><u>Present</u></b>	<b><u>Absent</u></b>
Lawrence Bleau, Chair	<u>  x  </u>	<u>          </u>
Mary Cook, Vice-Chair	<u>  x  </u>	<u>          </u>
James McFadden	<u>  x  </u>	<u>          </u>
Charles Smolka	<u>  x  </u>	<u>          </u>
Clay Gump	<u>  x  </u>	<u>          </u>
Rose Greene Colby	<u>  x  </u>	<u>          </u>

Also Present: Planning Staff: Terry Schum and Miriam Bader Attorney: Suellen Ferguson & Sue Ford;

**I.     Call to Order:** Lawrence Bleau called the meeting to order at 7:30 p.m. Terry Schum introduced the new Senior Planner, Miriam Bader, who started in the Planning Department on August 13<sup>th</sup>.

**II.    Approval of Minutes:**

Mary Cook moved to accept the minutes of June 7, 2012. Charles Smolka seconded. The motion carried 6-0-0.

**III.   Amendments to Agenda:** There were no Amendments to the Agenda.

**IV.    Public Remarks on Non-Agenda Items:** There were no Public Remarks on Non-Agenda Items.

**V.     Public Hearings:**

**CPD-2012-01:           Departure from Number of Parking and Loading Spaces**

**Applicant:           Alpha Tau Omega House (ATO)**

**Location:           4611 College Avenue**

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicant is requesting a departure of 7 parking spaces from the required 20 parking spaces. The property is located at the southeast quadrant of the intersection of College Avenue and Hopkins Avenue, in the Old Town College Park Historic District. According to Section 27-568(a)(2) of the Prince George's County Zoning Ordinance, one off-street parking space for every two residents for a fraternity or sorority house is required. The subject property is developed within a 37-resident fraternity house and is undergoing renovation to increase occupancy to 39 residents. The applicant proposes to increase

available on-site parking from 4 to 13 parking spaces. The property currently contains a 4-space surface parking lot with access from Hopkins Avenue, which will be removed and replaced by new off-street parking lot. Pursuant to Section 1.1 of the Prince George's county Landscape Manual, the proposed project shall comply with the Landscape Manual because the applicant is proposing a cumulative increase in GFA of more than 10% of the building area. According to Section 87-23B of the code of the City of College Park, "fences shall not be constructed or reconstructed in a front yard." The applicant is proposing to plant a hedge of 23 Cherry Laurels in the front along College Avenue, which could grow in heights greater than four feet. Staff recommends that the applicant either plant another material such as a Juniper or insure that the hedge will not exceed four feet high. The applicant is also proposing 6 Japanese Barberry, which is considered an invasive species and is prohibited according to Table VIII of the Prince George's County Landscape Manual. The applicant is proposing to plant 59 Dense Yews along the rear property line to help screen the proposed parking lot. Staff recommends a taller evergreen shrub be used such as an American Holly or an Eastern Arborvitae. Currently, on the subject property, there exists only a narrow driveway with room for four off-street parking spaces. The applicant is proposing to construct an off-street parking lot that meets standards for 13 parking spaces including one handicapped parking space with a 30-foot wide commercial driveway entrance along Hopkins Avenue. In addition, the applicant is proposing to add a landscape strip along the perimeter of the lot to comply with the Landscape Manual and is locating and screening a proposed trash receptacle away from public view.

All zoning requirements will be met except for the requested departure, therefore, in accordance with Section 190-9(8)(a) and (c) of the City's code, staff recommends approval of the requested departure of seven parking spaces from the required 20 spaces with conditions.

Miriam Bader submitted the staff report and Exhibits 1-7 into the record. Commissioners accepted unanimously.

Mr. Antonetti, Attorney for the applicant, explained the work proposed by the fraternity and that the parking situation would be better than it is now because they are increasing the number of on-site parking spaces.

Clay Gump asked about the current City parking policies and whether the fraternity would be allowed the same number of permits with more on-site parking.

Terry Schum stated that the number could change, but it would be up to Public Services.

Commissioners reviewed the criteria that need to be met before the departure can be granted and determined that:

- 1) The applicant is meeting the parking needs of the 39 residents through a combination of the 13 off-street parking spaces and the 23 on-street parking permits issued by the City. The proposed parking lot will have a single point of access off a minor street (Hopkins Avenue), which should minimize traffic congestion. The proposed surface parking lot will be located behind the front façade of the fraternity and will be screened from College and Hopkins Avenues by landscaping.
- 2) The departure is the minimum necessary. The departure of 7 parking spaces is the minimum necessary. There is no room on the site to add any additional parking spaces, which would comply with the standards established in Section 27-558 (a) of the Zoning Ordinance.
- 3) The departure is necessary in order to alleviate circumstances, which are special to the subject use, given its nature at this location or alleviate circumstances which are prevalent in the district. The departure is necessary to alleviate circumstances that are special to the subject use, given its nature at this location. The fraternity house predates Zoning and there was no parking requirement at the time of construction. To build additional parking would increase lot coverage and is not feasible given the building's configuration. The only other area where a parking lot could conceivably be located would be in front of the house. Locating parking in the front yard is not permitted and not advised. Students living in housing in close proximity to the University of Maryland have other transportation options and often don't have cars.
- 4) All methods of calculating the number of spaces have been explored. Even though the number of residents is proposed to increase by two students, no adverse impact on the adjacent residential community is anticipated. The existing 37 residents are served by the four on-site spaces and 23 on-street parking permits. The property is not located within the boundaries of the Central US 1 Corridor Sector Plan and Endorsed Sectional Map Amendment. The City's public parking garage is located approximately 1,000 feet from the subject property. Monthly parking permits are available in the garage at a rate of \$60 per month. The College Park Metro/Marc Station is located approximately 1500 feet or less than a third of a mile from the fraternity. Metrobus, TheBus, and Shuttle UM have stops in close proximity to the fraternity along US 1, College Avenue and at the Metro. There are no alternative design solutions available that will yield additional spaces.

James McFadden moved to approve the departure because the request meets the criteria for granting the departure for the reasons stated above. Mary Cook seconded. Motion carried 6-0-0.

Before calling the second case, Terry Schum provided an explanation and orientation to the Certification of Nonconforming Use process, as this was the first case of this type to be heard by the Advisory Planning Commission. She noted that this case would be decided by the APC if the City Council did not “call it up”, since a valid Use and Occupancy permit was submitted with the application. If no Use and Occupancy permit is available, a regular public hearing is held and the APC’s recommendation is treated the same as a variance recommendation would be.

**CNU-2012-01:            Certification of Nonconforming Use**  
**Applicant:            New Spellman House Associates, LLC**  
**Location:            4711 Berwyn House Road**

Lawrence Bleau explained the hearing procedures and placed witnesses under oath. Miriam Bader summarized the staff report. The applicants are requesting a Certification of Nonconforming Use for a 140 unit multifamily apartment building for senior housing. The subject property is located on the south side of Berwyn House Road, approximately 100 feet east of Route 1. The site is currently developed with a single seven-story, brick senior citizen multifamily housing apartment building on 3.0 acres. The existing 140 unit apartment building was legally built in 1981. Because development regulations were changed after the apartment use was lawfully established, the complex became nonconforming when the Zoning Ordinance was amended with the adoption of CB 85-1998.

The applicant obtained a certificate of Use and Occupancy from Prince George’s County in December of 1982. The applicant has submitted City of College Park Residential Occupancy Permits for the Spellman House Apartments from 1986-2007. The applicant has submitted a signed affidavit attesting to continuity of the use.

Staff concludes that the subject property was constructed in accordance with the requirements of the Zoning Ordinance in effect in 1981. There is also no evidence to suggest a lapse of continuous multifamily dwelling apartment use since their construction. Staff recommends that the Certified of Nonconforming Use be approved and that a new Use and Occupancy permit be issued to the current owner.

Miriam Bader submitted the staff report and Exhibits 1-7 into the record. Commissioners accepted unanimously.

Larry Taub, Attorney for the applicant, summarized the need for certification and explained that Spellman House was built as senior housing and has always been used as senior housing.

Commissioners reviewed the evidence and testimony submitted and determined that:

- 1) A valid Use and Occupancy Permit was issued to the subject Property in December, 1982 for senior citizen housing which complied at that time with multifamily regulations in the R-10 zone. The Use and Occupancy Permit was issued prior to the date the Property became non-conforming in 1988.

- 2) Documentary evidence including City of College Park occupancy permits and a sworn affidavit (Exhibit 7) were submitted and accepted showing the commencement date and continuous existence of the nonconforming use as well as the fact that the nonconforming use has not ceased to operate for more than 180 consecutive calendar days between the time the use became nonconforming and the date when the application was submitted.

Lawrence Bleau moved to recommend certification of the use as nonconforming and not illegal. Mary Cook seconded. Motion carried 6-0-0

**VI. Code Enforcement discussion requested by Mary Cook**

At 9:05 p.m., Mary Cook moved to go into executive session to meet with legal counsel. Charles Smolka seconded. Motion carried 6-0-0. The meeting reconvened at 9:30 p.m. Commissioners voted to have the applicant submit a progress report showing the work completed and work remaining to be completed before the October 4, 2012 meeting. They also requested that Code Enforcement inspect the property and provide a status report of their findings prior to the October meeting.

**VII. Update on Development Activity:** Terry Schum reported on the following:

- 1) **Maryland Book Exchange** – The public hearing on the remand by the District Council to the public hearing took place on September 13, 2012 and lasted 12 hours. Although the city, civic associations and community members opposed, the Planning Board approved the applicant's application with only minor changes.
- 2) **Cafritz Property** – The Preliminary Plan of Subdivision application has been accepted and weekly meetings are being held with stakeholders to facilitate the review. A public hearing is tentatively scheduled for November.
- 3) **Koons Ford** – A Detailed Site Plan will be filed soon for the redevelopment of this site with a hotel, retail and parking structure.

**VIII. Other Business:** There was no Other Business.

**IX. Adjourn:** There being no further business, the meeting was adjourned at 9:40 p.m.